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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RUSSELL C. ROBERTS, JR.,
Plaintiff,
vs.
A.W. CHESTERTON COMPANY, *et al.*,
Defendants.

) Case No.: 08-cv-01338 JL
)
) **DECLARATION OF DEBORAH R.**
) **ROSENTHAL REGARDING CHANGE IN**
) **DURATION OF JURY RECESS**
)
) [28 USC § 1447; F.R.C.P. 7(b); ND CA Local Rules
) 1-5 & 6-3]
)
) Hearing Date: March 19, 2008
) Time: 9:30 a.m.
) Courtroom: F, 15th Floor
) Chief Magistrate Judge: Hon. James Larson

DECLARATION OF DEBORAH R. ROSENTHAL REGARDING CHANGE IN DURATION OF JURY RECESS
S:\Clients\Plaintiffs\R\Roberts. Russell 12241\Federal Court action\CRANE remand motion - supp decl DRR.doc

1 I, Deborah R. Rosenthal, declare as follows:

2 1. I am an attorney admitted to practice law before this Court and all the courts of the
3 State of California and am an associate of Paul and Hanley LLP, attorneys of record for plaintiff
4 herein. The matters stated herein are true to my own personal knowledge, except as otherwise
5 stated. If called upon as a witness, I could and would testify to the following facts.

6 2. On March 10, 2008, when I filed Plaintiff's Motion to Remand, Motion for Order
7 Shortening Time, and related documents, Judge Tang had recessed the jury in the state court
8 action until March 17, 2008. See Transcript of Proceedings, attached as Exhibit 4 to the Healy
9 Declaration in support of Plaintiff's Motion for Order Shortening Time and also attached as
10 Exhibit 16 to the Amended Declaration of Geoffrey Davis in Support of Notice of Removal, at
11 1606:4-12.

12 3. I am informed and believe that on March 11, 2008, Judge Tang conferred with the
13 trial attorneys involved in the state court action regarding the jury recess and notified the trial
14 attorneys that her clerk already had started making calls to the jurors and was changing the target
15 date for the jury's return to Tuesday, March 25, 2007.

16 I declare under the penalty of perjury under the laws of the State of California and of the
17 United States that the foregoing is true and correct. Executed on March 13, 2008, in Berkeley,
18 California.

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Deborah R. Rosenthal

1 **CERTIFICATE OF SERVICE - FRCivP 4(d)**

2 I am employed in the County of Alameda, State of California, I am over the age of 18
 3 years and not a party to the within action. My business address is 1608 Fourth Street, Suite 300,
 4 Berkeley, CA 94710. On March 13, 2008, I served the foregoing:

5 **DECLARATION OF DEBORAH R. ROSENTHAL REGARDING CHANGE IN**
 6 **DURATION OF JURY RECESS**

7 and a copy of this declaration to the interested parties herein as follows:

- 8 By personal delivery of a true copy thereof to:
- 9 By transmittal from a facsimile machine whose telephone number is (510) 559
9970:
- 10 By placing a true copy thereof enclosed in a sealed envelope with postage thereon
fully prepaid in the US mail at Berkeley, California, addressed as set forth by the
attached Service List. I am readily familiar with the firm's practice of collection
and processing of correspondence for mailing. Under that practice, it would be
deposited with the US Postal Service on that same day with postage thereon fully
prepaid in the ordinary course of business. I am aware that on motion of the party
served, service is presumed invalid if the postal cancellation date or postage meter
date is more than one day after the date of deposit for mailing in this Declaration:
- 15 By submitting an electronic version to ECF for service upon:

16 **CRANE CO.**
 17 KIRKPATRICK & LOCKHART
 18 PRESTON GATES ELLIS LLP
 19 55 Second Street, Suite 1700
 20 San Francisco, CA 94105

21 I declare under penalty of perjury under the laws of the State of California that the
 22 foregoing is true and correct. Executed in Berkeley, California.

23 DATE: March 13, 2008



24 Anne Scott
 25 Legal Secretary to Deborah R. Rosenthal

26 Russell C. Roberts, JR. v. A.W. Chesterton Company, et al.
 27 Northern District of California Case No. 08-cv-01338 JL